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14 Attorneys for Plaintiff
15 LA CANADA VENTURES, INC.

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 LA CANADA VENTURES, INC.,

19 Case No.: 3:22-cv-07197-RS

20 Plaintiff,

21 vs.
22 **DECLARATION OF ANDREW S.**
23 **DALLMANN IN SUPPORT OF LA**
24 **CANADA VENTURES INC.'S MOTION**
25 **TO DISMISS DEFENDANT'S**
26 **COUNTERCLAIMS**

27 Defendant.

28 **FED. R. CIV. P. 12(B)(6)**

29 Judge: Richard Seeborg
30 Courtroom:3
31 Date: November 2, 2023
32 Time: 1:30 p.m.

33 I, Andrew S. Dallmann, declare as follows:

34 1. I am a member in good standing of the bar of the State of California and the bar of
35 this Court, and counsel of record for La Canada Ventures Inc. in this action. Unless otherwise
36 stated, I have personal knowledge of the facts set forth herein.

1 2. Attached as **Exhibit A** is a true and correct copy of La Canada's Certificate of
 2 Registration for U.S. Registration 4,471,494 for the MD trademark, obtained from the online
 3 records of the U.S. Patent and Trademark Office ("USPTO") and produced by La Canada to
 4 MDalgorithms bearing production numbers LCV0000075.

5 3. Attached as **Exhibit B** is a true and correct copy of MDalgorithms' Certificate of
 6 Registration for U.S. Registration 4,946,004 for the MDACNE trademark, obtained from the online
 7 records of the USPTO.

8 4. Attached as **Exhibit C** is a true and correct copy of MDalgorithms' Certificate of
 9 Registration for U.S. Registration 5,519,511 for the MDACNE trademark, obtained from the online
 10 records of the USPTO.

11 5. Attached as **Exhibit D** is a true and correct copy of MDalgorithms' Certificate of
 12 Registration for U.S. Registration 6,668,393 for the MDACNE trademark, obtained from the online
 13 records of the USPTO.

14 6. Attached as **Exhibit E** is a true and correct copy of MDalgorithms' Certificate of
 15 Registration for U.S. Registration 6,617,014 for the MDHAIR trademark, obtained from the online
 16 records of the USPTO.

17 7. Below is a table synopsizing the relative dates of use and registration of La Canada's MD®
 18 mark and MDalgorithms' MDacne and MDhair marks as reflected in the Certificates of Registration
 19 attached hereto as Exhibits A-E.

<u>Registrant</u>	<u>Mark</u>	<u>Goods/Services</u>	<u>Date of Registration</u>	<u>Date of First Use</u>
La Canada	MD	Class 3: Cosmetics; Hair shampoos and conditioners; Non-medicated acne	January 21, 2014	January 1, 2012

<u>Registrant</u>	<u>Mark</u>	<u>Goods/Services.</u>	<u>Date of Registration</u>	<u>Date of First Use</u>	
2	3	4 treatment preparations; 5 Non-medicated toiletries	6		
7 MDalgorithms	8 MDacne	9 Class 5: Acne treatment 10 preparations; 11 nutraceuticals for the 12 treatment of hair loss; 13 nutraceuticals for use as 14 a dietary supplement	15	16 April 26, 2016	17 May 16, 2010
18	19	20 Class 9: Computer 21 software and 22 downloadable computer 23 software for education 24 and advice in the field of 25 the care and treatment of skin disorders, namely, acne.	26	27	
28	29	30 Class 41: Providing a 31 website featuring 32 information and advice 33 in the field of the 34 diagnosis and treatment 35 of acne.	36	37	
38	39	40 Class 5: Medicated skin 41 treatment and cleansing 42 creams	43 July 17, 2018	44 December 1, 2017	
45	46	47 Class 3: Non-medicated 48 skincare preparations	49 March 8, 2022	50 November 21, 2021	
51	52	53 MDhair	54 Class 42: Providing 55 temporary use of on-line 56 non-downloadable 57 computer software for 58 education and advice in 59 the field of the care and 60 treatment of skin and 61 hair	62 January 11, 2022	63 September 13, 2021

24 I declare under penalty of perjury under the laws of California and the United States that the
25 foregoing is true and correct. Executed this 27th day of September at Lake Elsinore, California.

26
27 /s/ Andrew S. Dallmann

28 Andrew S. Dallmann

CERTIFICATE OF SERVICE

I certify that on September 27, 2023, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing

/s/ Cecil E. Key

Cecil E. Key